



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

OCT 11 2002

Permit No. 1094

Expiration Date: May 31, 2003

Dr. Jeff Koenings, Director  
Washington Department of Fish and Wildlife  
600 Capitol Way N.  
Olympia, WA 98501-1091

Dear Dr. Koenings:

Enclosed is an amended scientific research/enhancement Permit 1094, issued to the Washington Department of Fish and Wildlife (WDFW) under the authority of Section 10 (a)(1)(A) of the Endangered Species Act (ESA). Permit 1094 authorizes an annual take of listed adult and juvenile, endangered, upper Columbia River (UCR) steelhead associated with an artificial propagation enhancement program for the species. Permit 1094 authorizes WDFW to manage returning adult hatchery steelhead consistent with recovery goals and broodstock objectives. This amendment authorizes WDFW to implement additional activities in the UCR basin to manage surplus adult hatchery steelhead.

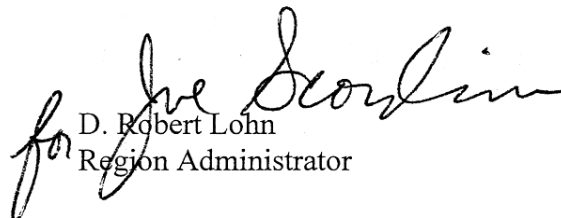
The WDFW, in effecting the take authorized by the permit, will be considered to have accepted the terms and conditions of the permit and must be prepared to comply with the provisions of the permit, the applicable regulations, and the ESA.

NOAA Fisheries requires that WDFW, and the individuals acting under the authority of Permit 1094, review the permit prior to engaging in your research/enhancement activities and comply with the permit while engaging in such activities. The amended permit and file copy of the signature page are enclosed. Please sign and date both, and return the signature page marked "File Copy" to our Office. Please note that Permit 1094 is not valid until our office receives the signed copy of the signature page. You may submit the copy by facsimile to (503) 872-2737.

Your attention is directed to Section A which describes specific fishery regulations, monitoring, and monthly reporting requirements. The final report is due on August 1, 2003. Permit 1094 expires on May 31, 2003.

If you have any questions concerning the permit, please contact Kristine Petersen at (503) 230-5409.

Sincerely,

  
D. Robert Lohn  
Region Administrator

Enclosure

Permit No. 1094  
Expiration Date: May 31, 2003  
As amended: October 11, 2002

## SECTION 10 PERMIT FOR TAKES OF ENDANGERED/THREATENED SPECIES

### Authorization:

The Washington Department of Fish and Wildlife (WDFW) is hereby authorized to take the endangered and threatened anadromous fish specified below for scientific research and enhancement purposes, as cited in the Permit Holder's application, subject to the provisions of Section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543), the National Marine Fisheries Service (**NOAA Fisheries**) regulations governing ESA-listed species permits (50 CFR Parts 217-227), and the conditions hereinafter set forth.

### Abstract:

WDFW is authorized an annual direct take of adult and juvenile, endangered, naturally-produced and artificially-propagated, upper Columbia River steelhead (*Oncorhynchus mykiss*) associated with an **artificial propagation enhancement program** in the mid- to upper Columbia River Basin. The WDFW will conduct: 1) The capture and release of migrating adult steelhead at Priest Rapids Dam for stock status evaluation purposes, 2) the trapping and removal of ESA-listed adult steelhead for broodstock, 3) the retention and artificial spawning of ESA-listed adults, 4) the incubation of fertilized eggs and the rearing of ESA-listed juvenile fish, 5) the transfer of ESA-listed fish eggs and/or juveniles among WDFW hatcheries and to the U.S. Fish and Wildlife Service's (FWS) Winthrop National Fish Hatchery for rearing, 6) the transportation and releases of juvenile, ESA-listed, artificially-propagated fish from the WDFW hatcheries, 7) a selective fishery near the vicinity of Ringold Springs Rearing Facility (RSRF) when surplus hatchery fish returns are expected, 8) the removal and transport of hatchery steelhead collected at broodstock trapping facilities that are surplus to broodstock needs for release in areas where listed salmon and steelhead are not present, **9) a recreational harvest fishery in the Columbia River from Rocky Reach Dam upstream to Chief Joseph Dam, 10) selective gear fisheries in areas of the Methow, Similkameen and Okanogan rivers.** An incidental take of ESA-listed fish associated with releases from WDFW's **artificial propagation enhancement** programs is also authorized.

### A. Number and Species of Animals

This permit is for work to be conducted over approximately a five-year duration. Take numbers listed below are the maximum takes authorized per annual period (June 1 through May 31).

## Direct Take

1. Adult, ESA-listed, naturally-produced and artificially-propagated, upper Columbia River steelhead (*Oncorhynchus mykiss*) that return to Priest Rapids Dam may be captured, anesthetized, enumerated and measured, allowed to recover from the anesthetic, and released.
2. Up to 648 adult, ESA-listed, naturally-produced and artificially-propagated, upper Columbia River steelhead (*Oncorhynchus mykiss*) may be collected at Wells Dam on the Columbia River and/or Dryden and Tumwater Dams on the Wenatchee River, transported to Wells Hatchery and/or Eastbank Hatchery, and retained for broodstock.
3. The adult, ESA-listed, artificially-propagated, upper Columbia River steelhead that return to RSRF may be retained for broodstock.
  - a. WDFW may implement a harvest of marked hatchery-origin steelhead between **October 12, 2002, and March 31, 2003**, in the vicinity of RSRF, **in the Columbia River above Rocky Reach Dam, in the Methow River from the mouth upstream to the confluence with the Chewuch River**, and in the Okanogan and Similkameen rivers. **The tributary harvest shall be regulated to allow only adipose fin-clipped, artificially-propagated steelhead. Fishery regulations shall include night closures.** All steelhead not externally marked must be released back to the wild unharmed. WDFW and **NOAA Fisheries** shall review impacts from the harvest and ensure the objectives of the hatchery supplementation program are being accomplished. WDFW must provide the estimated catch of hatchery and wild steelhead in the harvest and the estimated harvest impact on wild fish in the ESU **on a monthly basis to NOAA Fisheries, including the total estimated catch of hatchery and natural origin steelhead** for the **2002-2003** season in the annual report due **August 1, 2003**.
  - b. WDFW may remove the artificially-propagated steelhead captured at RSRF within the Upper Columbia River ESU that are in excess of the current broodstock target of 648 fish. The fish may be transported and released in landlocked ponds and lakes to provide harvest opportunities on the surplus steelhead. WDFW must inform **NOAA Fisheries**, Hatchery and Inland Fisheries Branch Office in Portland, Oregon, of the proposed number of steelhead to be collected and released, and the locations of release.
4. The ESA-listed adult fish retained in the hatcheries for broodstock may be artificially spawned. After being spawned, ESA-listed adult fish and/or carcasses

may be outplanted in the basin of origin or in the basin where offspring are to be released if certified by WDFW pathology.

5. ESA-listed fish eggs produced from the spawned fish may be fertilized, incubated, and the resulting progeny reared in the hatcheries. ESA-listed juvenile fish produced from spawned adults collected prior to the issuance of this permit may be reared in the hatcheries. ESA-listed fish eggs and/or progeny may be transferred to other WDFW hatcheries for rearing. Transfers of ESA-listed fish eggs and/or progeny to RSRF are subject to Condition B.1.h. below.
6. Approximately 125,000 ESA-listed fish eggs and/or juveniles may be transferred to FWS' Winthrop National Fish Hatchery for rearing.
7. All of the healthy juvenile, artificially-propagated progeny of the ESA-listed adult steelhead retained for broodstock may be released from the hatcheries or at other appropriate locations to ensure their future contribution to the ESA-listed fish population.

#### Incidental Take

Incidental takes of ESA-listed species resulting from WDFW hatchery operations and hatchery-produced fish releases are authorized. Because of the inherent biological attributes of aquatic species such as steelhead, the dimensions and variability of the Columbia River system and tributaries, and the operational complexities of hatchery actions, determining precise incidental take levels of ESA-listed species attributable to WDFW's hatchery activities are not possible at present. In the absence of quantitative estimates of incidental take, **NOAA Fisheries** will monitor fish release numbers and locations to assure that incidental takes do not jeopardize the continued existence of ESA-listed species.

#### **B. Special Conditions**

##### 1. Operations and Monitoring Requirements

- a. The ESA-listed fish may be taken only by the means, in the areas, and for the purposes set forth in the permit application as limited by the terms and conditions in this permit.
- b. WDFW must monitor and evaluate the influence of hatchery operations on ESA-listed, naturally-produced steelhead to ensure benefits to the population and to monitor potential risks. This should include monitoring and evaluating the productivity of hatchery fish spawning in the wild, and monitoring life history traits of the hatchery and wild populations used for broodstock. A summary of monitoring efforts must be included in annual reports. (See Special Condition 2.b.)

- c. To the extent possible, WDFW must implement spawning and rearing protocols that approximate conditions found in the wild environment. For example, adult steelhead should be collected from the entire run (not just the central 80 percent) and held under more natural conditions (instead of being held in warmer, lighted conditions and given hormonal injections to accelerate maturation).
- d. Because of the uncertainty of the effects of hatchery fish spawning in the wild, WDFW must consider reducing the proportion of hatchery fish on the natural spawning grounds. This may be accomplished by removing marked steelhead at trapping locations and/or acclimating hatchery smolts for increased homing fidelity.
- e. To the extent possible, WDFW must spawn both hatchery x wild and wild x wild crosses and evaluate the success of the two types of crosses. If possible, unmarked adults retained for broodstock must represent the natural origin population in terms of age, sex, and run timing.
- f. WDFW must report on the status of developing distinguishable marks for hatchery-produced fish at each of the release facilities or sites. Distinguishable hatchery marks will allow assessment of the development of locally-adapted stocks and aid in identifying between ESA-listed and non-listed Snake River Basin hatchery-produced fish. (See Special Condition 2.b.)
- g. If an ESA-listed fish mortality event occurs during hatchery operations (>10 percent mortality in one event), WDFW must inform the Hatchery/Inland Fisheries Branch, **NOAA Fisheries** in Portland, OR of such event within two days. Details of the cause of the mortality event and actions taken or plans developed to remedy the situation must also be supplied.
- h. WDFW must submit further information to the Hatchery/Inland Fisheries Branch, **NOAA Fisheries** in Portland, OR to support the transfer of early-spawned eyed eggs and/or juvenile fish from Wells Hatchery to RSRF (the proposed number of eggs/fish to be transferred and the rearing and release protocols). The transfer of such eggs/fish are contingent upon **NOAA Fisheries** approval. The transfer shall only occur if production goals established for the Methow and Okanogan River Basins will be met.
- i. The Hatchery/Inland Fisheries Branch, **NOAA Fisheries** in Portland, OR must be notified promptly if the total amount of unmarked, natural-origin, ESA-listed adult steelhead collected for broodstock each annual period is expected to exceed 10 percent.

- j. In annual reports, WDFW must explicitly document the status of developing collection methods for locally-adapted broodstocks and smolt acclimation sites. (See Special Condition 2.b.)
- k. Hatchery personnel must use extreme care when handling adult ESA-listed fish at collection sites and must ensure that any excess ESA-listed fish captured are released unharmed. WDFW must anesthetize all ESA-listed fish handled out-of-water for the purpose of recording biological information. Anesthetized fish must be allowed to recover (e.g. in a recovery container) before being released. Fish that are simply counted must remain in water but do not need to be anesthetized.
- l. ESA-listed fish must be kept in water to the maximum extent possible during sampling and processing procedures. The transfer of ESA-listed fish should be conducted using a sanctuary net that holds water during transfer, when necessary to prevent the stress of an out-of-water transfer.
- m. Hatchery water intake screens must be maintained to minimize impacts to natural fish populations and structures must be incorporated that promote safe fish passage.
- n. The Permit Holder must identify field personnel or other persons designated to act under the authority of this permit and confirm their experience through resumés or other evidence of their qualifications.
- o. The Permit Holder, personnel, or designated agent(s) acting on the Permit Holder's behalf must possess a copy of this permit when conducting the research/enhancement activities for which a take of ESA-listed species is authorized herein.
- p. In the event that the authorized level of take is exceeded or if circumstances indicate that such an event is imminent, the Permit Holder must notify the Chief, Sustainable Fisheries Division, Hatcheries and Inland Fisheries Branch, **NOAA Fisheries**-Northwest Region (Phone (503) 230-5427; Fax (503) 872-2737) as soon as possible, but no later than two days after the authorized level of take is exceeded. The Permit Holder must then submit a written report to the Chief of the Sustainable Fisheries Division, Hatcheries and Inland Fisheries Branch describing the circumstances of the unauthorized take. Pending review of these circumstances, **NOAA Fisheries** may suspend research/enhancement activities or amend this permit to allow research/enhancement activities to continue.

- q. The terms and conditions concerning ESA-listed fish collected under this authorization remain in effect as long as the ESA-listed fish taken are maintained under the authority and responsibility of the Permit Holder. Tissues of collected animals are the responsibility of the Permit Holder and remain so as long as they are useful for research purposes. Transfer of the tissues from the Permit Holder to other researchers requires written approval from **NOAA Fisheries**.
- r. WDFW must develop contingency plans that prevent emergency releases of hatchery fish into areas where negative interactions with ESA-listed fish could occur and must notify **NOAA Fisheries** promptly of emergencies (e.g. fire, flooding, water loss) requiring the early releases of hatchery fish. Emergency releases related to disease outbreaks require prior authorization from **NOAA Fisheries**.
- s. WDFW must ensure that the physiological condition of hatchery-produced anadromous steelhead released into spawning and rearing areas or the migration corridor promotes a swift outmigration with minimal residualization (overwintering in fresh water) to minimize interactions and impacts to ESA-listed natural fish. A summary of the physiological condition of hatchery-produced anadromous steelhead released from the hatchery program must be included in annual reports. (See Special Condition 2.b.)
- t. Hatcheries must conduct monthly fish health inspections and adhere to disease prevention and control guidelines established by the Pacific Northwest Fish Health Protection Committee to ensure that hatchery fish are released in good condition, thus minimizing impacts to ESA-listed and unlisted natural fish. A summary of fish health monitoring efforts must be included in annual reports. (See Special Condition 2.b.)
- u. Hatchery wastewater and other discharges must be monitored, in compliance with the Clean Water Act section 402 National Pollutant Discharge Elimination System permit requirements, to reduce the chance of water quality and disease impacts to humans, fish, and wildlife. A summary of hatchery effluent monitoring efforts must be included in annual reports. (See Special Condition 2.b.)

## 2. Report Requirements

- a. During the adult steelhead collection season, WDFW must provide monthly written reports that provide: (1) The daily counts of ESA-listed adult steelhead enumerated at the collection facilities with marked and unmarked fish reported separately; (2) the daily number of ESA-listed adult steelhead retained for use in the hatcheries with marked and

unmarked fish reported separately; and (3) the daily number of ESA-listed adult steelhead passed above Dryden, Tumwater, and Wells Dams.

- b. WDFW must provide an updated written report by January 31 each annual period of the projected juvenile steelhead releases from the WDFW hatchery program for the annual outmigration season. This information will be used by **NOAA Fisheries** to determine the total hatchery-produced fish releases in the Columbia River Basin to assure that cumulative fish releases do not exceed the production cap.
- c. For the duration of this permit, work in each succeeding annual period (June 1 through May 31) is contingent upon submission and approval of a report on each preceding annual period's research/enhancement activities. Annual reports are due by August 1 each year.

The annual report must include:

- (1) a summary of the monthly reports generated during the adult steelhead collection season and a description of spawning protocols and egg take;
- (2) estimates of the projected number of ESA-listed adult fish to be collected and released for the annual period to follow and a description of how those estimates were derived. Results from annual trapping operations should be used to develop the broodstock collection and spawning protocols for the annual period to follow;
- (3) a summary of the monitoring and evaluation of the influence of hatchery operations on ESA-listed, naturally-produced steelhead including the productivity of hatchery fish spawning in the wild and the life history traits of the hatchery and wild populations used for broodstock (Special Condition 1.b.);
- (4) the status of developing distinguishable marks for hatchery-produced fish at each of the release facilities or sites (Special Condition 1.f.);
- (5) a summary of the development of collection methods for locally-adapted broodstocks and smolt acclimation sites (Special Condition 1.j.);
- (6) a summary of the physiological condition of hatchery-produced anadromous steelhead released into spawning and rearing areas or the migration corridor (Special Condition 1.s.);
- (7) a summary of fish health monitoring efforts (Special Condition 1.t.);



(8) a summary of hatchery effluent monitoring efforts (Special Condition 1.u.);

(9) a description of any problems which may have arisen during the research/enhancement activities and a statement as to whether or not the activities had any unforeseen effects; and

**(10)an estimate of impacts on UCR steelhead in recreational fisheries in the vicinity of RSRF and throughout the UCR basin that encounter UCR steelhead.**

d. Reports must be submitted to:

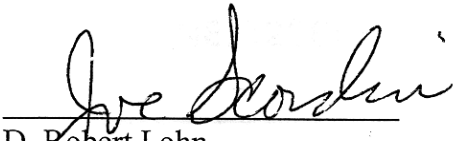
Hatchery/Inland Fisheries Branch  
Sustainable Fisheries Division, F/NWR2  
**NOAA Fisheries**  
525 NE Oregon Street, Suite 510  
Portland, Oregon 97232

### **C. General Conditions**

1. The Permit Holder must notify the Sustainable Fisheries Division, **NOAA Fisheries** in Portland, OR (Phone (503) **230-5409**, Fax (503) 872-2737) at least two weeks in advance of each ESA-listed adult steelhead collection season to enable a **NOAA Fisheries** official(s), or any other person(s) duly designated, to accompany WDFW personnel if necessary.
2. The Permit Holder, in effecting the take authorized by this permit, is considered to have accepted the terms and conditions of this permit and prepared to comply with the provisions of this permit, the applicable regulations, and the ESA.
3. This permit does not supersede or relieve the Permit Holder of the responsibility of obtaining other appropriate Federal, state, and/or local permits or MOUs that may be required for the conduct of scientific research/enhancement activities.
4. Upon request by the Northwest Regional Administrator, the Permit Holder must permit any employee(s) of **NOAA Fisheries**, or any other person(s) duly designated by the Director, to inspect the Permit Holder's records and facilities if such records and facilities pertain to activities for which a take of ESA-listed species is authorized by this permit, relate to ESA-listed species covered by this permit, or pertain to the Regional Administrator's responsibilities under the ESA.

5. The provisions of this permit may be amended upon reasonable notice by the Northwest Regional Administrator.
6. In the event any ESA-listed species not included in this permit is killed, injured, or collected during the course of research/enhancement activities, the Permit Holder must notify the Chief of the Sustainable Fisheries Division, Hatcheries and Inland Fisheries Branch, **NOAA Fisheries**-Northwest Region (Phone (503) 230-5427; Fax (503) 872-2737) as soon as possible, but not later than two days after the event. The Permit Holder must then submit a written report to the Chief of the Sustainable Fisheries Division, Hatcheries and Inland Fisheries Branch describing the circumstances of the unauthorized take. Pending review of these circumstances, **NOAA Fisheries** may suspend research/enhancement activities or amend this permit to allow research/enhancement activities to continue.
7. The Permit Holder may not transfer or assign this permit to any other person(s), as person is defined in Section 3(12) of the ESA. This permit is not in force or effective if transferred or assigned to any other person.
8. The Permit Holder is responsible for the activities of any individual who is operating under the authority of this permit. Such activities include capturing, handling, releasing, transporting, maintaining, and caring for any animal authorized to be taken by this permit.
9. All ESA-listed species authorized to be taken by this permit must be taken in a humane manner. Should the Northwest Regional Administrator determine that a method used to take ESA-listed species authorized to be taken by this permit or otherwise is not humane, the take of ESA-listed species by this method must immediately cease. The take of ESA-listed species may not resume until an acceptable method has been prescribed by the Regional Administrator. Any inhumane method used to take ESA-listed species will subject the Permit Holder to the penalties of the ESA, including revocation of this permit.
10. This permit does not authorize the Permit Holder or any other person a take of ESA-listed species in the territorial waters of another country without the consent of that country. The Permit Holder is responsible for securing consent from that country and complying with that country's appropriate laws.
11. All personnel of the Permit Holder, including veterinarians, requiring state or Federal licenses to practice their profession, must be and, so long as employed by the Permit Holder in that capacity, remain duly licensed under the appropriate law.
12. Under the terms of the regulations, a violation of any of the terms and conditions of this permit will subject the Permit Holder and/or any individual who is operating under the authority of this permit to penalties as provided for in the ESA.

13. 50 CFR Section 222.23(d)(8) provides for a reasonable fee to be charged to cover the costs of issuance of permits under the ESA. The fee for this permit has been waived.

*fa*   
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D. Robert Lohn  
Regional Administrator

*10/11/02*  
\_\_\_\_\_  
Date

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Mr. Ross Fuller,  
Fish Management Program Division Manager

\_\_\_\_\_  
Date